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October 27, 2021

VIA ELECTRONIC FILING

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: *Cairn Energy PLC and Cairn UK Holdings Limited v. Air India Ltd.,*
No. 1:21-cv-04375-PGG

Dear Judge Gardephe:

Plaintiffs Cairn Energy PLC and Cairn UK Holdings Limited (“**Plaintiffs**”) and Defendant Air India Ltd. (“**Defendant**,” collectively with Plaintiffs, the “**Parties**”) respectfully submit this joint letter requesting that the Court stay any further proceedings in the above-referenced action, including consideration of the Parties’ pre-motion conference letters (ECF Nos. 21, 24), through December 31, 2021.

On May 14, 2021, Plaintiffs brought this action to hold Defendant liable as the alter ego of the Republic of India (“**India**”) for the obligations India owes under a foreign arbitral award (the “**Award**”) (ECF No. 1). Plaintiffs separately filed a petition before the District Court for the District of Columbia to recognize and enforce the Award against India (the “**D.D.C. Action**”) on February 12, 2021. *Cairn Energy PLC, et al. v. Republic of India*, No. 21-cv-00396. Pursuant to Rule IV.A of the Court’s Individual Rules of Practice, the Parties submitted their respective pre-motion conference letters regarding Defendant’s intent to file a motion to dismiss this action and Plaintiffs’ intent to file an opposition and a cross-motion (ECF Nos. 21, 24).

Pursuant to the Court’s September 15, 2021 Order (ECF No. 26) and the Court’s Individual Rules of Practice, the current scheduled deadlines for this action are:

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SUBMISSION/COURT APPEARANCE	CURRENT DATE
Meet and Confer pursuant to Fed. R. Civ. P. 26(f)	October 28, 2021 ¹
Joint Pretrial Letter and Proposed Case Management Plan	November 11, 2021
Initial Pretrial Conference (where the parties' pre-motion letters will also be discussed)	November 18, 2021

There is good cause to grant the Parties' joint request to stay further proceedings in this action. India has recently enacted the Taxation Laws (Amendment) Act, 2021 (India), dated August 13, 2021, and their implementing regulations, dated October 1, 2021, both of which relate to the disputes underlying the Award that Plaintiffs are seeking to enforce against Defendant. The Parties have been evaluating the effects and implications of this new legislation and its implementing regulations and expect that, once they take full effect, new legislation and its implementing regulations will render this litigation moot..

For this reason, the Parties respectfully request that the Court stay further proceedings in this matter through December 31, 2021, and reschedule the initial pretrial conference and, respectively, the deadline for the Parties to meet and confer pursuant to Fed. R. Civ. P. 26(f) and to submit their Joint Pretrial Letter and Proposed Case Management Plan, for new dates in January 2022. The Parties have conferred and agree that the stay will facilitate the efficient resolution of the dispute, conserve the Court's and Parties' resources, and is not intended to obstruct or delay.

Prior to this request, the Court has granted the Parties' requests for extensions thrice. On July 16, 2021, the Court granted the Parties' joint request for a 45-day extension for Defendant to respond to the Complaint and adjourned the initial pretrial conference to October 28, 2021 (ECF No. 19). On August 25, 2021, the Court granted the Parties' joint request for a 7-day extension for Plaintiffs to respond to Defendant's pre-motion conference letter (ECF No. 23). On September 15, 2021, the Court granted the Parties' joint request to stay the proceeding through October 31, 2021 (ECF No. 26). No other request for extensions has been made in this action.

¹ Pursuant to Fed. R. Civ. P. 26(f), "the parties must confer as soon as practicable—and in any event at least 21 days before a scheduling conference is to be held or a scheduling order is due under Rule 16(b)." The Initial Pretrial Conference is currently scheduled for November 18, 2021 pursuant to the Court's September 15, 2021 Order (ECF No. 26), at which the Parties' proposed Case Management Plan will be discussed.

Respectfully submitted,



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cc: Counsel of Record (via ECF)

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Counsel for Defendant Air India, Ltd.

Memo Endorsed: The application is granted. The parties will meet and confer by January 3, 2022. The parties' joint pre-trial letter and proposed case management plan is due January 13, 2022. The initial pre-trial conference scheduled for November 18, 2021 is adjourned to **January 20, 2022 at 10:00 a.m.**

SO ORDERED this 5th day of November, 2021



Hon. Paul G. Gardephe
United States District Judge